

IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF ALABAMA
NORTHERN DIVISION

DWIGHT N. RODGERS,)	
)	
Plaintiff,)	
)	
v.)	Case No. 2:06-cv-1067-WKW
)	
CRACKER BARREL OLD)	
COUNTRY STORE, INC.,)	
)	
Defendant.)	

ORDER

A show cause order was issued by this court on Aug. 28, 2007 (Doc. # 21). On Aug. 31, 2007, plaintiff's counsel filed responses to the show cause order (Doc. # 22) and defendant's motion for summary judgment (Doc. # 23-2). Soon after plaintiff moved to substitute an exhibit (Doc. # 28), defendant filed a response and moved to strike the plaintiff's summary judgment response brief (Doc. # 29). Upon consideration of the filings, it is ORDERED that:

1. Plaintiff's Motion to Substitute (Doc. # 28) is GRANTED;
2. Defendant's Motion to Strike Plaintiff's Delinquent Brief (Doc. # 29) is DENIED;
3. Monica A. York, plaintiff's counsel, shall reimburse defense counsel in the amount of \$250.00 on or before **Sept. 27, 2007**, for expenses resulting from the unwarranted delays caused by her actions and mischaracterization of the Federal Rules of Civil Procedure. After payment, plaintiff's counsel shall file notification with the court, upon which the plaintiff will be in full compliance with the orders of the court.

4. The defendant's deadline for filing its reply brief to plaintiff's response (Doc. # 23) is CONTINUED from Sept. 14, 2007 until **Sept. 27, 2007**.

DONE this the 13th day of September, 2007.

/s/ W. Keith Watkins
UNITED STATES DISTRICT JUDGE